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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(14)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: February 18, 2015

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution supporting SB 378 or similar legislation that would allow second-time and subsequent juvenile misdemeanor offenders to participate in civil citation programs or similar diversion programs

Resolution No. R-186-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

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FROM: R. A. Cuevas, Jr. County Attorney

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Please note any items checked.

_____	**"3-Day Rule" for committees applicable if raised**
_____	**6 weeks required between first reading and public hearing**
_____	**4 weeks notification to municipal officials required prior to public hearing**
_____	**Decreases revenues or increases expenditures without balancing budget**
_____	**Budget required**
_____	**Statement of fiscal impact required**
_____	**Ordinance creating a new board requires detailed County Mayor's report for public hearing**
✓	**No committee review**
_____	**Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**
_____	**Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(14)
2-18-15

RESOLUTION NO. R-186-15

RESOLUTION SUPPORTING SB 378 OR SIMILAR LEGISLATION THAT WOULD ALLOW SECOND-TIME AND SUBSEQUENT JUVENILE MISDEMEANOR OFFENDERS TO PARTICIPATE IN CIVIL CITATION PROGRAMS OR SIMILAR DIVERSION PROGRAMS

WHEREAS, Miami-Dade County's Civil Citation Program ("Citation Program") currently provides minors who have committed a single misdemeanor offense the opportunity to receive targeted treatment services rather than being arrested and processed through the Juvenile Justice System; and

WHEREAS, minors who participate in the Citation Program must complete an individualized treatment plan which may include community service, family counseling, substance abuse counseling, individual therapy, group therapy, employment skills training, and tutoring; and

WHEREAS, the duration of the Citation Program ranges from approximately 90 to 120 days; and

WHEREAS, upon successful completion of the Citation Program no entry of the misdemeanor offense is made into criminal databases; and

WHEREAS, since the Citation Program's inception in April of 2007, it has proven to be effective at:

- lowering referrals to the Juvenile Justice System for juvenile crimes,
- reducing youth's delinquent attitudes and behaviors,
- strengthening the family unit,
- creating outlets for pro-social activities,

- addressing minority overrepresentation in the prison population, and
- allowing minors to maintain a clean criminal record; and

WHEREAS, specifically, the Citation Program has been responsible for a 23 percent reduction in arrests and referrals to the Juvenile Justice System since 2007; and

WHEREAS, the cost to Miami-Dade County taxpayers of an individual completing the Citation Program is, on average, less than half the cost of arrest and detention; and

WHEREAS, the most common offense for which minors are referred to the Citation Program is petty theft; and

WHEREAS, currently, under section 985.12, Florida Statutes, only first-time juvenile misdemeanor offenders may participate in a civil citation program or a similar diversion program; and

WHEREAS, Senate Bill 378 ("SB 378"), has been filed for consideration during the 2015 session of the Florida Legislature by Senator Rene Garcia (R – Hialeah), Senator Audrey Gibson (D – Jacksonville), and Senator Dwight Bullard (D – Cutler Bay); and

WHEREAS, SB 378 would amend section 985.12, Florida Statutes, to allow second-time or subsequent juvenile misdemeanor offenders to participate in civil citation programs or similar diversion programs; and

WHEREAS, this Board wishes to strongly support SB 378,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Supports SB 378 or similar legislation that would allow second-time and subsequent juvenile misdemeanor offenders to participate in civil citation programs or similar diversion programs.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Rene Garcia, Senator Audrey Gibson, Senator Dwight Bullard, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation as set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package previously approved by the Board to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	**aye**		
Esteban L. Bovo Jr. Vice Chairman	**aye**		
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of February, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Matthew Papkin